



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/318,692	05/25/1999	SUBAN G. KRISHNAMOORTHY	PD98-2385	1777

7590 08/06/2002
WILLIAM J KUBIDA, ESQ.
HOGAN & HARTSON LLP
1200 17TH STREET, SUITE 1500
DENVER, CO 80202

EXAMINER

CHOUDHARY, ANITA

ART UNIT	PAPER NUMBER
----------	--------------

2153

DATE MAILED: 08/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/318,692

Applicant(s)

KRISHNAMOORTHY ET AL.

Examiner

Anita Choudhary

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 1999.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05/25/1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1, and 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morris in view of Hayes Jr.

Morris shows substantial features of the claimed invention, it discloses a system and method for accessing remote storage device having:

- An agent (executable program) on the server for communication with remote storage device (camera) (col. 7 lines 19-26; col. 11 lines 5-24).
- An agent (executable program) acting as a manager for the agent operating on a server tracking a plurality of remote storage devices (col. 14 lines 16-30).
- An applet (executable program) on the client to provide user interface (web browser) for managing and obtaining information from storage devices over network (col. 10 lines 54- col. 11 line 4).

Although the system disclosed by Morris shows substantial features, as discussed above, of the claimed inventions it fails to show an applet manager operating on the client. Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Morris, as evidenced by Hayes Jr.

Art Unit: 2153

In an analogous art, Hayes Jr. discloses a client-server system with storage having:

- An applet manager (profile manager) operating on the client invoking and communicating with an applet (col. 7 lines 13-23, 32-39).

Given the teachings of Hayes, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Morris by employing the well known or conventional features of the applet manager, such as disclosed by Hayes Jr., in order for an administrator to manage and supply information such as permissions and preferences to a plurality of applets including when to launch.

In referring to claim 15 and 17, Morris shows an agent (executable program) configured with software for the executable program to manage plurality of storage devices (col. 14 lines 12-30).

In referring to claim 16, Morris shows network communications through a port (col. 8 lines 9-11).

In referring to claim 18 and 19, Hayes Jr., shows a set of modules setting display and network properties for client (col. 7 lines 32-63).

III. Claim 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morris in view of Fichtner et al.

Although the system disclosed by Morris shows substantial features of the claimed invention including a system for allowing client access to storage device having:

- A client server network for transferring commands/ files from client to server (col. 12 line 60 – col. 13 line 3).

Art Unit: 2153

- o Instructing an agent (executable program) on server to download commands/ files to a storage device (col. 13 lines 5-19).

The system disclosed by Morris fails to disclose a firmware file being created and transferred.

Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Morris, as evidenced by Fichtner et al.

In an analogous art, Fichtner et al. shows a system with automatic firmware update having:

- o A firmware file including data headers for transfer to storage device (col. 8 line 65 – col. 9 line 25).

Given the teachings of Fichtner et al., a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Morris by employing the well known or conventional features of a firmware file, such as disclosed by Fichtner et al., in order for a client to manage and update storage devices remotely located on a server.

In referring to claim 33, Fichtner et al. shows firmware file data corresponding to version and identifications of storage device type (col. 8 lines 38-65).

In referring to claim 34, Morris shows a data corresponding to password for access to managing storage device (col. 12 lines 39-51).

II. Claim 2-14 and 20-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morris in view of Hayes Jr. as applied to claim 1 above, and further in view of Fichtner et al.

Although the combined teachings of Morris in view of Hayes Jr. shows substantial features of the claimed invention, as discussed above, it fails to disclose a firmware file being

Art Unit: 2153

transferred from the applet to the agent through the network. Nonetheless, this feature is well known in the art and would have been an obvious modifications of the system disclosed by Morris in view of Hayes Jr. as evidenced by Fichtner et al.

In an analogous art, Fichtner et al. shows an automatic firmware update system having:

- o A firmware file transferred from a host system to a storage device (col. 6 lines 20-28).

Given the teachings of Fichtner et al., a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying Morris in view of Hayes Jr. by employing the well known or conventional features of a firmware file, such as disclosed by Fichtner et al., in order for a remote storage device to receive via network the most up to date hardware and communications configurations.

In referring to claim 3, 13, and 14, Fichtner et al., show the firmware file having firmware with various data headers (col. 8 lines 38-45).

In referring to claim 4 and 5, Fichtner et al. shows downloading of firmware on to storage device (col. 6 lines 22-25).

In referring to claim 6, Fichtner et al shows a data corresponding to version of firmware (col. 8 lines 38-65).

In referring to claim 7, Fichtner et al. shows an interface identifier of the storage device type (col. 8 lines 38-65).

In referring to claim 8, Hayes Jr. shows a password being sent from client to server (col. 13 lines 10-24).

Art Unit: 2153

In referring to claim 9, Morris shows an agent (executable program) with the three layer functionalities including communications with a storage device (col. 11 lines 16-20), data corresponding to object of storage device (col. 11 lines 41-44; col. 22 line 65-col. 23 line 4), and command data for controlling the operation of storage device (col. 23 lines 49-65).

In referring to claim 10 and 11 Morris shows the agent (executable program) communicating with network (col. 11 lines 16-20).

In referring to claim 12, Morris shows the agent (executable program) adapted to support more than one command set (col. 23 lines 55-65).

In referring to claim 20 and 21, Morris shows objects representation of the storage device instantiated in the client (col. 9 lines 14-28).

In referring to claim 22, Morris shows an agent passing identification of storage device to client applet.

In referring to claim 23, Morris shows client applet (executable program) providing identification information to agent (executable program) (col. 12 lines 39-51).

In referring to claim 24, Fichtner et al. shows a polling of agents (storage devices) to determine if they are connected to the network (col. 3 lines 17-23).

In referring to claim 25, Hayes Jr. shows a server maintaining database for managing applet access permissions (col. 8 lines 32-38).

In referring to claim 26 and 27, Morris shows an applet accessing data about storage device by generating request (col. 12 lines 1-18).

In referring to claim 28, Morris shows client and server executing security (col.12 lines 33-51).

Art Unit: 2153

In referring to claim 29 and 30 Morris shows a status signal being sent to client (col. 9 lines 24-29).

In referring to claim 31, Morris shows agent adapted to multiple storage devices (col. 14 lines 12-30).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita Choudhary whose telephone number is (703) 305-5268. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703)746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-3900.

AC
July 19, 2002



Dung C. Dinh
Primary Examiner